

1 MR. SIGEL: Back on the record.

2 Q. Do you remember the day you were  
3 notified that your employment was being  
4 terminated?

5 A. December 27th.

6 Q. And who informed you of that?

7           A.     Sheryl Holladay called me off of  
8           Christmas vacation saying that there was an  
9           important meeting they needed to pick my brain  
10          for educational purposes.

11 So I left my Christmas vacation, got  
12 there on the 27th. Mary, Renee Shakour, Sheryl  
13 Holladay and Lori from human resources were  
14 there, and Renee told me my position was  
15 dissolved.

16 Q. By the way, where was your Christmas  
17 vacation?

18 A. In Vermont.

19 Q. What were you doing there?

A. My sister lives there.

21 Q. And so you spoke to Ms. Holladay and  
22 she told you the company needed to pick your  
23 brain for what?

A. For educational calendar of January.

1           Q.     Did you tell Ms. Shakour that that's  
2 what you had said to Mr. Fale?

3           A.     No.

4           Q.     Did you tell Ms. Shakour that Mr.  
5 Fale had told you that they were thinking of  
6 changing from two distributors to one  
7 distributor?

8           A.     I don't recall explaining that to  
9 her.

10          Q.     Was it at that point when Ms. Shakour  
11 informed you of your position being eliminated  
12 after you told her about the conversation you  
13 had with Mr. Fale?

14          A.     No.

15          Q.     That was before?

16          A.     She fired me first. And then she  
17 eliminated my position first. And then that  
18 conversation took place.

19          Q.     Were you asked whether you wanted to  
20 subcontract for the company as needed for Artec  
21 education?

22          A.     I was offered one day a year to do a  
23 show.

24          Q.     That's it?

1 A. That's it.

2 Q. And you said no?

3 A. I said no.

4 Q. Why did you say no?

5 A. I then asked, I asked if they would  
6 fill the position that I wasn't able to fill yet  
7 of three days a week, if I could have that one,  
8 and they declined.

9 Q. What else, do you remember, if  
10 anything, about that meeting as far as the  
11 substance of the conversation?

12 A. Just that they offered me shows.  
13 There was only one show a year. So that would  
14 be once a year.

15 I asked if I could please have, fill  
16 the position that I was trying to fill for three  
17 days a week, and she said no.

18 Q. Three days a week?

19 A. Part-time.

20 Q. And who said no?

21 A. Renee Shakour.

22 Q. Okay. Did she tell you why?

23 A. No.

24 Q. Anything else you remember about that

1 work on Fridays at Goldwell after you were given  
2 your changed work schedule that Ms. Garneau  
3 provided a desk and a phone for you, in other  
4 words, not necessarily the same desk every time,  
5 but a work space for you?

6 A. It was given to me possibly for 15  
7 minutes and I would have to move if a person  
8 needed it. So I would move to another table.

9 When that person needed that table, I  
10 would have to move to another table. So I was  
11 not specifically given a space for the time that  
12 I was there, no, I was not.

13 Q. And it's your testimony that you  
14 weren't given a phone to use when you needed a  
15 phone?

16 A. I was not given office space. I  
17 wasn't given, here is your phone. Other people  
18 are using the phone. I didn't have a phone to  
19 use. If somebody wasn't using the phone, I  
20 could use their phone on their desk.

21 Q. Immediately prior to the meeting in  
22 which you were told that your employment was  
23 being terminated, you were on the telephone,  
24 weren't you?

# **EXHIBIT 2**

Volume I  
Pages 1 to 167  
Exhibits 1 - 15

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----x  
JEANNE DEGAN, :  
Plaintiff, :  
: vs. : Civil Action  
: : No. 04-11024 RWZ  
GOLDWELL OF NEW ENGLAND, :  
INC., :  
Defendant. :  
-----x

DEPOSITION OF RENEE G. SHAKOUR, a witness  
called on behalf of the Plaintiff, taken pursuant to  
the Federal Rules of Civil Procedure, before  
Catherine A. Handel, Registered Professional  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the Offices of  
Rodgers Powers & Schwartz LLP, 18 Tremont Street,  
Boston, Massachusetts, on Thursday, October 7, 2004,  
commencing at 10:10 a.m.

PRESENT:

Rodgers Powers & Schwartz LLP  
(by Kevin G. Powers, Esq.)  
18 Tremont Street, Boston, MA 02108  
for the Plaintiff.

Bowditch & Dewey, LLP  
(by Jonathan R. Sigel, Esq.)  
311 Main Street, P.O. Box 15156,  
Worcester, MA 01615-0156  
for the Defendant.

\* \* \* \* \*

1                   MR. SIGEL: I misunderstood because I saw a  
2 sticker, but, yes.

3                   Q. So if you could look at Plaintiff's  
4 Deposition Exhibit No. 14, and specifically the  
5 second page, Answer No. 2. Do you see where it  
6 says, "Beginning in April of 2000 and continuing  
7 through the end of her employment, complainant also  
8 provided services as ARTec brand manager to R.G.  
9 Shakour"?

10                  A. (Examines document) Yes.

11                  Q. Does that refresh your memory as to when  
12 Jeanne Hogan began providing services to R.G.  
13 Shakour?

14                  A. Yes.

15                  Q. Was it April 2000?

16                  A. Yes. Am I done with that?

17                  Q. You can put it down. I don't know if  
18 you're done with it.

19                  When you began at R.G. Shakour -- and I  
20 think you placed the date at approximately 1992,  
21 1993. Correct me if that's incorrect. But  
22 approximately when you started with R.G. Shakour,  
23 did R.G. Shakour at that time have any relationship  
24 with Goldwell?

1 contributing to Jeanne Hogan's compensation until  
2 the end of her employment, were you the person who  
3 was most responsible for overseeing Jeanne Hogan's  
4 duties as it related to Shakour or ARTec?

5 A. Yes.

6 Q. Was there anyone else at Shakour that was  
7 responsible for overseeing Jeanne Hogan?

8 A. I don't recall.

9 Q. And do you know who at Goldwell was  
10 responsible -- primarily responsible for overseeing  
11 Jeanne Hogan?

12 A. Primarily Cheryl Holladay.

13 Q. And Cheryl Holladay during the time that  
14 she was overseeing Jeanne Hogan was the director of  
15 education at Goldwell?

16 A. Correct.

17 Q. Did you ever write a memo or a letter or  
18 put anything in writing to Ms. Holladay about Jeanne  
19 Hogan's performance?

20 A. I don't recall.

21 Q. You don't recall ever doing that?

22 A. No, I don't recall -- excuse me. Let me  
23 back up. I don't recall -- I don't remember.

24 Q. So you don't have a present memory of ever

1           A.    Yes, I'm sure at some point I told her the  
2 position had been eliminated, yes.

3           Q.    Do you recall what, if anything, Lisa  
4 Kelley said to you when you told her that the  
5 position was being eliminated?

6           A.    I don't recall.

7           Q.    Is it fair to say that as far as you  
8 know -- well, let me back up for a second. Did you  
9 have any input into the decision to eliminate Jeanne  
10 Hogan's position?

11          A.    Yes.

12          Q.    Tell me, as best you can recall, all input  
13 you had into that decision.

14          A.    I don't remember who was present, but I do  
15 remember a conversation with myself, John Foundas,  
16 potentially Mary Garneau -- I don't want to guess at  
17 that, so I don't know if she was there -- and myself  
18 about the ARTec sales slipping and how Jeanne had no  
19 effect on the sales and the sales continued to go  
20 down, and it wasn't a smart financial business  
21 decision to keep funding somebody who wasn't having  
22 any impact on the sales.

23          Q.    When was that conversation?

24          A.    I can't recall.

1       A.    I remember she said something to that  
2 effect.

3       Q.    Did she show you the letter?

4       A.    I can't recall.

5       Q.    You don't recall whether or not she showed  
6 you the letter?

7       A.    She told me about the letter. I don't  
8 recall if I saw the letter or not.

9       Q.    Did you tell Ms. Hogan to send the letter  
10 or not to send the letter?

11      A.    I don't recall.

12      Q.    Do you recall that at some point Jeanne  
13 Hogan was instructed that on Fridays she had to  
14 report to the Goldwell office rather than work at  
15 her home?

16      A.    Can you repeat the question?

17      Q.    Yes. Do you recall that some point in  
18 2001, Jeanne Hogan was told that she couldn't work  
19 from home, that on Fridays she had to report to the  
20 Goldwell office? .

21      A.    She had to report to the Goldwell office to  
22 take care of the paperwork problem with Mary.

23      Q.    So you recall that?

24      A.    Yes.

1 A. Right.

2 Q. And you?

3 A. Okay.

4 Q. Now, does that refresh your recollection  
5 whether Mary Garneau was involved in the decision?

6 A. I said I didn't know if Mary Garneau was  
7 there or not.

8 Q. So after reading that, does that refresh  
9 your memory as to who was at this meeting?

10 A. I don't know.

11 Q. So when do you recall the first  
12 conversation with anyone at Goldwell about the  
13 possibility of terminating Ms. Hogan or eliminating  
14 the ARTec brand manager's position?

15 A. I don't have -- I don't know the dates.

16 Q. Approximately?

17 A. I don't know.

18 Q. The meeting that you testified to a couple  
19 of minutes ago, do you recall when that meeting  
20 occurred?

21 A. No.

22 Q. Was it before or after October of 2001?

23 A. I don't know.

24 Q. At the meeting can you tell me all the

1 reasons talked about at the meeting as to why Jeanne  
2 Hogan should be terminated or the ARTec sales  
3 manager's position eliminated?

4 A. To the best of my recollection, we  
5 discussed sales not increasing. So it didn't make  
6 much sense to have a brand manager if sales weren't  
7 on the rise. So we eliminated the position.

8 Q. Was that the sole reason why the position  
9 was eliminated, i.e., the sales not increasing?

10 A. Correct.

11 Q. So is it your understanding that Jeanne  
12 Hogan was not terminated because of any failure on  
13 her part to properly document issues for ARTec?

14 A. Could you repeat the question? I don't  
15 understand.

16 Q. Yes. Well, I'm getting back to the  
17 allegations made by Mr. Bakey. And is it fair to  
18 say that it was your understanding that the  
19 allegations by Mr. Bakey played no part in the  
20 decision to eliminate the ARTec brand sales manager?

21 A. Correct.

22 Q. So it was simply an issue of the numbers  
23 just don't justify the position?

24 A. Correct.

1 don't know.

2 Q. On or about the time that Jeanne Hogan was  
3 terminated, did you tell Jeanne Hogan that she could  
4 work shows for Shakour?

5 A. I told Jeanne Hogan that there was -- she  
6 could work as a part-time educator. I think -- yes,  
7 she could work as a part-time educator. I did not  
8 just say "shows."

9 Q. And was there a part-time educator's  
10 position open at the time, that is on or about  
11 12/27/01?

12 A. It's not like there's an opening. If  
13 there's a need, it would be -- we would find  
14 somebody.

15 Q. And as of 12/27/01, was there a need for a  
16 part-time educator?

17 A. I have no idea.

18 Q. So was your communication to Jeanne Hogan,  
19 "If we need a part-time educator at sometime in the  
20 future, we will consider you"?

21 A. No. It was to be a part-time educator,  
22 just like all of our educators are. We contact them  
23 when we need them for classes and such.

24 Q. So you weren't guaranteeing her any

# **EXHIBIT 3**

Volume I  
Pages 1 to 103  
Exhibits 16 to 17

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----x  
JEANNE DEGAN, :  
Plaintiff, :  
vs. : Civil Action  
GOLDWELL OF NEW ENGLAND, : No. 04-11024 RWZ  
INC., :  
Defendant. :  
-----x

DEPOSITION OF JOHN G. FOUNDAS, a witness called on behalf of the Plaintiff, taken pursuant to the Federal Rules of Civil Procedure, before Ken A. DiFraia, Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of Bowditch & Dewey, LLP, 161 Worcester Road, Framingham, Massachusetts, on Friday, October 22, 2004, commencing at 10:09 a.m.

PRESENT:

Rodgers, Powers & Schwartz  
(by Kevin G. Powers, Esq.)  
18 Tremont Street, Suite 500,  
Boston, MA 02108, for the Plaintiff.

Bowditch & Dewey, LLP  
(by Jonathan R. Sigel, Esq.)  
311 Main Street, P.O. Box 15156,  
Worcester, MA 01615-0156,  
for the Defendant.

\* \* \* \*

1 Q. One conversation or more than one?

2 A. I think that would be one.

3 Q. When was that approximately?

4 A. Had to be sometime probably the end of  
5 October of 2001, maybe November. I don't remember  
6 exactly.

7 Q. Can you tell me as best you can recall what  
8 the conversation -- what was said in the  
9 conversation between you and Ms. Carlson about  
10 Jeanne Hogan.

11 A. To the best of my recollection, it was my  
12 concerns of the business trend down instead of up.  
13 I was seriously considering to no longer support the  
14 position of brand manager for economic reasons and  
15 for business being slow or flat.

16 Q. What did you say to Mr. Carlson?

17 A. I spoke to my partner. I initiated the  
18 conversation to no longer support the expense of a  
19 brand manager.

20 Q. What did Ms. Carlson say, if anything, to  
21 you?

22 A. To the best I can remember, it was my  
23 decision.

24 Q. When you say you spoke to your partner,

1           Q.     The question is what, if any, involvement  
2 do you know that Renee Shakour had in the decision  
3 to terminate Ms. Hogan?

4           A.     Supplying me with the information of the  
5 sales activities and to that nature, for me to make  
6 the final decision.

7           Q.     Did Renee Shakour ever recommend to you  
8 what she thought should happen?

9           A.     No. I had stated to her and her father of  
10 my decision not to continue to employ a brand  
11 manager.

12          Q.     Tell me each and every reason why you  
13 decided to terminate Jeanne Hogan.

14          A.     Sales were flat, did not want to invest any  
15 more money.

16          Q.     Anything else?

17          A.     No.

18          Q.     When did you reach a final decision to  
19 terminate her?

20          A.     It would be the last days of November 2001  
21 or the early part of December, when we meet with  
22 accountants to plan the next year.

23          Q.     When you say the sales number were flat,  
24 did you attempt to determine why the sales numbers

1 Q. Did you ever try to figure out why?

2 A. I don't recall any specific issue.

3 Q. Do you know if ARTec products or the ARTec  
4 products that you were distributing, whether the  
5 sales in other regions were flattening out?

6 A. I have no idea. I have no knowledge of  
7 anyone else.

8 Q. Did you ever direct anyone to try to hire  
9 an ARTec brand manager after Jeanne Hogan was laid  
10 off?

11 A. No.

12 Q. Did you ever talk to Renee Shakour about  
13 any efforts she might be making to hire an ARTec  
14 brand manager?

15 A. No, sir.

16 Q. At some point, did you become aware that  
17 Shakour, R.G. Shakour, was seeking to hire an ARTec  
18 brand manager?

19 A. No, sir.

20 Q. Do you know who Michelle Geremia is?

21 A. I think she may have been an independent  
22 contractor.

23 Q. For Goldwell?

24 A. No. I think she was representing ARTec.

1 December of 2001?

2 A. Looking at trends, I would have thought it  
3 would continue to, and as it turned out, it was, was  
4 diminishing.

5 Q. What caused you to believe that in December  
6 of 2001?

7 A. Trends in sales.

8 Q. What were the trends that you saw?

9 A. The trend was that we were under budget  
10 somewhere around 25 or 27 percent.

11 Q. For the year?

12 A. For the year.

13 Q. What you say "under budget," what are you  
14 referring to?

15 A. ARTec would set a goal of total purchases  
16 divided by who wished to buy what. When I looked at  
17 the numbers probably by October, at that point we  
18 were trending about \$120,000 some-odd less than the  
19 540, or whatever the budget was, for the -- to  
20 purchase.

21 Q. When you refer to budget, are you talking  
22 about sales quotas that are set?

23 A. Purchases from the manufacturer.

24 Q. Does the manufacturer set what they believe

1 should be the purchase numbers?

2 A. Yes.

3 Q. So, for instance, ARTec would say, "We  
4 expect you to purchase \$200,000 in product next  
5 year," for instance, then that would be the number  
6 you would be expected to purchase and then sell?

7 A. Yes.

8 Q. Was that in writing?

9 A. Yes.

10 Q. What's it called?

11 A. I think it was just a budget thing. I  
12 don't know.

13 Q. Sales budget?

14 A. Yes, purchases broken down quarterly,  
15 monthly.

16 Q. In 2000, had you met the purchase budget  
17 set by ARTec?

18 A. I believe that we had.

19 Q. Did you exceed it?

20 A. We may have. I don't remember. I would  
21 have to look at the numbers.

22 Q. When did you first realize in 2001 you were  
23 not going to meet the sales budget set by ARTec?

24 A. Somewhere midyear when I would compare a